

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama
Eastern Division

Umar Clark

Case No. **3:20-cv-00825-ECM-JTA**

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CAPITAL ONE AUTO FINANCE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Umar Clark
Street Address	200 Redland rd
City and County	Shorter, Macon County
State and Zip Code	Alabama, 36075
Telephone Number	267-314-0861
E-mail Address	umar.clark@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Capital One Auto Finance
Job or Title (if known) _____
Street Address 7933 Preston Road
City and County Plano, Denton
State and Zip Code Texas, 75024
Telephone Number 1-800-946-0332
E-mail Address (if known) _____

Defendant No. 2

Name _____
Job or Title (if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (if known) _____

Defendant No. 3

Name _____
Job or Title (if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (if known) _____

Defendant No. 4

Name _____
Job or Title (if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 usc 1692.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of the State of (name) _____ . Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Capital One Auto Finance, is incorporated under the laws of the State of (name) Texas, and has its

principal place of business in the State of (name) Texas.

Or is incorporated under the laws of (foreign nation) _____,

and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Capital one Auto Finance is not only owes me for 26 consumer rights violations under 15 use 1692. They also caused me financial injury, and emotional distress. Which is why I am suing in the amount of \$250,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Atlanta, Ga

B. What date and approximate time did the events giving rise to your claim(s) occur?

From May 30, 2018 to Present.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?*Was anyone else involved? Who else saw what happened?)*

On 07/27/2020 I Umar Clark sent Cap one Auto Finance a debt validation request pursuant to 15 usc 1692g, an affidavit of truth stating facts that showed their violations against me, exhibits proving their violations and an invoice to be compensated for these violations pursuant to 15 usc 1692k. This was done using certified mail number #9214-8901-4298-0452-2474-43(Attached labeled Exhibit A)

On 07/31/2020 Capital One Auto Finance responded(Attached) but they did not rebut my facts in my affidavit. "Allegations in affidavit in support of motion must be considered as true in absence of counter-affidavit." [Group v Finletter, 108 F. Supp. 327 Federal Case of Group V Finletter, 108 F. Supp. 327]

On 08/03/2020 I responded using certified mail number(attached in exhibits)

#9214-8901-4298-0452292122 with a default and opportunity to cure. Capital One Auto Finance has not

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

I am a single father who lives in a neighborhood that is not very safe because of this alleged debt by capital one I have been unable to buy a home to move to a better neighborhood. I have had to work more even during the pandemic, which is risking the health and safety of me and my son.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

An apology, monetary compensation pursuant to 15 usc 1692k, my title lien free, and a deletion from all consumer reports.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

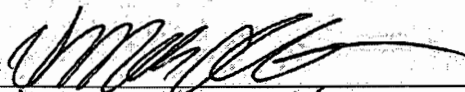
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10/09/2020

Signature of Plaintiff



Printed Name of Plaintiff

Umar Clark**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

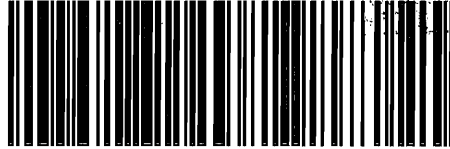
Telephone Number _____

E-mail Address _____

RECEIVED

2020 OCT 13 A 11:05

USPS CERTIFIED MAIL
BRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA



9214 8901 4298 0453 0639 74

CERTIFIED MAIL

umar clark
200 redland rd
shorter, AL 36075

See Important Information Enclosed

0003480012000011
MIDDLE DISTRICT OF AL
one church street
montgomery, AL 36104



013800000441304

